



Letter from His Highness Maharaja Manikya Sir Bir Bikram Kishore Deb Barman Bahadur, K. C. S. I., Maharaja of Tripura, to the Agent to the Governor-General, Eastern States, Ranchi, dated the 29th March 1937, on the subject of accession of Tripura State to the Federation of India.

TRIPURA STATE.

FROM

HIS HIGHNESS MAHARAJA MANIKYA
SIR BIR BIKRAM KISHORE DEB BARMAN
BAHADUR, K. C. S. I.,
MAHARAJA OF TRIPURA.

TO

THE AGENT TO THE GOVERNOR-GENERAL,
EASTERN STATES,
RANCHI.

No. 4637-P/XVII-1

Dated, Agartala, the 29th March, 1937

SUBJECT :—Accession of Tripura State to the
Federation of India.

MY ESTEEMED FRIEND,

With reference to Political Agent Mr. Ray's letter No. 1244 P/111-48 dated the 18th/19th August, 1936, to my Minister, on the subject of accession to the Federation, I have the honour to state that on a consideration of all the facts and circumstances relating to the new constitution for India as embodied in the Government of India Act, 1935. I have come to the conclusion that Tripura State may accede to the proposed Federation of India subject, however, to the safeguards and limitations indicated in this letter and its annexures.

2. I desire to express my grateful appreciation of the sympathetic assistance and advice which I received from His Excellency the Viceroy's Special Representative in the examination of the problems connected with the question of accession of my State to the Federation. Difficulty was, however, experienced in regard to the interpretation of points upon which admittedly no authoritative views of the Government of India could be given. Moreover, as a matter of normal procedure, no Court of law is likely to admit evidence of any common understanding between a State and the Government of India in regard to any point,

though the accession of the State to the Federation may be founded upon such understanding. It is therefore desirable that a serious effort should be made to explore the possibility of adopting some legal expedient for putting on record, and making available for the assistance of the Courts, the intentions of the parties and the agreed understandings between them.

3. It will be observed that the draft standard form of the Instrument of Accession which was forwarded under cover of the letter referred to above, has been modified by me in certain particulars to represent the amended form in which I should prefer to execute the Instrument. Perhaps it is not necessary for me to explain the points of difference between the draft Instrument forwarded by the Political Agent and the amended form in which I am enclosing it herewith, as these points have already formed the subject of discussion between representatives of the Government and those of different Indian States.

4. As regards the Schedules to the Instrument, the most important is the one dealing with the Federal Legislative List. After giving my best consideration to the matter, I have suggested necessary limitations upon the scope of certain items of that list which I am prepared to accept as Federal Legislative subjects. Those items of the Federal Legislative List that do not find mention in the Schedule annexed to the revised draft Instrument, are not acceptable to me, until at least I am convinced of the necessity of accepting them after due consideration of any suggestions that may be forthcoming hereafter in the course of further negotiations in this matter.

5. In this connection, I would particularly refer to item No. 36 of the Federal Legislative List which I am unable to accept. I am advised that acceptance of this item would enable the Federation to regulate and control the whole subject of mining and oilfields in the State. Laws might be passed laying down how mines and oilfields should be exploited and by whom, and such matters as prospecting licenses could also be brought under Federal control. I am, therefore, not prepared to hand over such wide and undefined powers to the Federation. Tripura State has considerable mineral resources not yet developed, and I feel sure you will appreciate my inability to accept this item which may prove a serious handicap in the way of economic exploitation of our mineral resources. I am definitely of opinion that a restrictive policy which may at any time be justified on the conditions prevailing in British India, where mineral development has perhaps

reached its maximum capacity in certain respects, may prove altogether unsuitable and harmful to this State. It is true that restrictive legislation under item 36 will be passed only when Federal control is declared by the Legislature to be expedient in the public interest ; but if a line of action is found to be justified in the case of British India, a declaration like this may be made by the Federal Legislature in spite of the opposition of the States' representatives who will, after all, form a minority.

6. Besides indicating my views in connection with the draft Instrument of Accession and the Federal Legislative List in the annexures to this letter, I desire to make a few observations for consideration in connection with the question of accession of my State to the Federation.

7. Having regard to the complicated character of the problems involved in the Federal scheme, it is not possible for any individual Ruler to deal exhaustively with all the points of importance that present themselves. I would, therefore, request that any further amendments of the draft Instrument or limitations in connection with the Federal Legislative List as may be found acceptable to the Government in the case of the Indian States generally, should be made applicable to my State as well. Moreover, should action be taken as a result of representations made by any other State in regard to the general financial aspects of the Federal scheme, the benefit of such action should be extended to my State. I trust that there will be no discrimination against Tripura as regards the general terms on which accession of the States to Federation may be permitted.

8. Opinion is not unanimous as to whether the reference to 'extradition' in item No. 3 of the Federal Legislative List will include extradition between a British Indian unit of the Federation and a Federated State, as also interstatel extradition. It is held by some that inter-unit extradition is included within the scope of item No. 3 of the Concurrent Legislative List, which forms part of the Seventh Schedule to the Government of India Act. If this view prevails with the authorities, I shall have to consider whether or not I shall accept this item of the Concurrent Legislative List as a Federal subject, later on. For the present I accept item 3 of the Federal Legislative List No. 1 without any limitation, on the assumption that it does not include extradition to or from the State from or to other parts of India,

9. The State will not be acceding for income-tax under item 54 of the Federal Legislative List, but will be subject to the power given by Section 138 (3) of the Government of India Act, 1935, to the Federal Government to levy a contribution corresponding to a surcharge, upon the State. Sub-section (3) of Section 138 will, therefore, have to be accepted in the Instrument of Accession, and a provision may be inserted in the First Schedule to the Instrument, somewhat on the following lines :—

"I accept the following matter, namely :—

Provision for the payment by the State of a contribution to the revenues of the Federation in the circumstances and assessed on the basis mentioned in sub-section (3) of Section 138 of the said Act :

subject to the following limitations :

1. The Federal Legislature shall not have power to make laws for the payment by the State of any such contribution unless the rate of the corresponding surcharge for Federal purposes imposed by the Federal Legislature under Section 138 of the Act exceeds.....*annas in the rupee.

2. For the purpose of assessing the contribution of the State the net proceeds which would result from the levying of the said surcharge in the State (to which net proceeds the said contribution is to be equivalent) shall be determined on the footing that—

(a) All income of the Ruler of this State and members of his family and property occupied by them, shall be deemed to be exempt from the said surcharge ;

(b) The rate at which the said surcharge is deemed to be levied in the State shall be less, by.....*annas in the rupee than the rate at which such surcharge is actually levied in British India :

and accordingly the Federal Legislature shall not have power to make laws for the State providing for the payment of a contribution by the State unless such contribution is assessed in the aforesaid manner."

10. Although legislative jurisdiction of the Federation will be operative within my State to the extent that I accept the items in the Federal Legislative List, I am anxious that there should be the least direct interposition of the executive authority of the Federation for the purpose of carrying on, in my territory, the administration of the subjects covered by those items. I need hardly emphasise the

* NOTE—The rate to be inserted will be the rate of the 1931 surcharges in force at the latest convenient date before Federation commences.

importance that I attach to this condition. It is to my mind essential that accession of my State to Federation should not lessen or curtail the authority of the State administration in the eyes of the people, even in respect of the matters which are accepted by me as Federal subjects. There are two alternative methods that have been laid down in the Government of India Act for entrusting the executive administration of Federal Legislative measures to the authorities of a Federated State. The draft standard form of the Instrument of Accession as forwarded by the Political Agent contemplates the insertion of certain additional clauses in suitable cases for the execution of an agreement for the purpose of entrusting administration of the accepted subjects to a State as a condition of its accession to Federation. This procedure is based upon Section 125 of the Government of India Act ; whereas the other alternative provision is contained in Section 124 under which it will be optional for the Federal authorities to entrust the administration of any particular subject to the agency of a State. I have had the advantage of knowing from His Excellency the Viceroy's Representative, the Government point of view in this matter. While fully appreciating the arguments for discrimination as to whether particular subjects should be entrusted to the agency of a State administration under either of these two Sections of the Act, I would strongly urge that if such discrimination is inevitable it should be made only in consideration of the character of the different subjects for administration, and not as a matter of differential treatment of individual States. It is understood that whenever Federal functions may have to be entrusted to a Provincial Government for purposes of administration, action will be taken under Section 124. In so far as functions in respect of any such subject may not be entrusted to Tripura by virtue of an agreement under Section 125, it is essential that this State should be placed precisely in the same position as any Provincial unit for purposes of carrying out agency functions on behalf of the Federal Government. The standard of efficiency which we aim at in the administration of this State will, I venture to think, fully justify the same measures of power and authority being entrusted to us as in the case of any Provincial Government in our neighbourhood, in respect of Federal functions to be delegated under Section 124. I should like to add that I consider it imperative that local administration of the laws of the Federal Legislature under the following items of the Federal Legislative List should be entrusted to my State, namely :—

Items 3, 15, 16, 17, 24, 26, 27, 29, 30, 32, 33, 34, 35, 42, 43, 45, 46 and 59.

11. As to recognition by His Majesty of a Court in an Indian State as a High Court under Section 217 of the Government of India Act, I venture to hope that the High Court of this State will receive such recognition for purposes of all the provisions of the Act, in which reference is made to a High Court in a Federated State.

12. As regards the rights and privileges of a State and its Ruler, a difference of opinion exists as to the procedure for safeguarding them. These rights and privileges may be classified under two different heads : (1) rights and privileges relating to the items in the Federal Legislative List which are accepted by the State as Federal subjects ; and (2) rights and privileges relating to matters outside that category. As regards the first class of these rights, it is felt that they should be included in the Instrument of Accession, in such a manner as to bring them within the purview of the jurisdiction of the Federal Court. In this view of the matter, a proposal has been made that this class of rights should be enumerated in a Schedule to the Instrument of Accession itself and referred to in a specific clause of the Instrument. As regards the rights belonging to the second class mentioned above, the protection afforded by Sections 12 (1) (g) and 52 (f) of the Government of India Act may be sufficient, and they may therefore be enumerated in a list which may be referred to by the Governor-General or the Governor of a Province, as the case may be, for the purpose of taking action under those sections. I am enclosing an illustrative list of both these classes of rights leaving it to the authorities to decide how best to safeguard them in the light of representations made by the different States. The lists cannot claim to be exhaustive ; and it is earnestly hoped that a further opportunity will be available for revising and, if necessary, enlarging them.

13. While on this subject, I should like to point out that there are certain rights and privileges which may not have been enjoyed by all the States and Rulers alike, though there does not appear to be any valid justification for any invidious distinction being made between State and State in those matters. It may be that in certain instances a State has not sufficiently pressed its claims but the door is not definitely closed against a reconsideration of such matters under present circumstances. It is to be hoped that Federation will not stereotype inequalities of this kind, but that before accession of the States takes place, the Government will review the whole situation in the light of present day circumstances and the implications of future constitutional changes. Should such a course be followed by the authorities some of the

discriminatory privileges may possibly be extended to a State like Tripura. Apart from cases of deliberate differentiation, there may be instances in which certain rights were not extended to this State merely as a result of oversight on the part of the authorities, or omission on the part of the State itself to bring to the notice of the authorities the necessity of the extension of the privileges conceded to others. I desire to add that I may have occasion to make a further representation on this point.

YOUR SINCERE FRIEND,

(Sd.) B. B. K. Manikya,

MAHARAJA OF TRIPURA.

Annexures

1. Revised draft of the standard form of the Instrument of Accession.
2. First Schedule to the Instrument of Accession.
3. Illustrative List of Rights and Privileges.

**Instrument of Accession of His Highness Maharaja Manikya
Sir Bir Bikram Kishore Deb Barman Bahadur, K. C. S. I.,
Maharaja of Tripura.**

WHEREAS proposals for the establishment of a Federation of India comprising such Indian States as may accede thereto and the Provinces of British India constituted as autonomous Provinces have been discussed between representatives of His Majesty's Government, of the Parliament of the United Kingdom, of the Rulers of the Indian States, and of British India ;

AND WHEREAS those proposals contemplated that the Federation of India should be constituted by an Act of the Parliament of the United Kingdom and by the accession of Indian States ;

AND WHEREAS provision for the constitution of a Federation of India under the Crown consisting of the Indian States, the Provinces called Governors' Provinces, and the Provinces called Chief Commissioners' Provinces, has now been made in the Government of India Act, 1935, but it is by that Act provided that the Federation shall not be established until such date as His Majesty may by Proclamation declare and such declaration cannot be made until the requisite number of Indian States have acceded to the Federation ;

AND WHEREAS the said Act cannot apply to any of my territories save by virtue of my consent and concurrence signified by my accession to the Federation ;

NOW THEREFORE,

**I, Maharaja Manikya Sir Bir Bikram Kishore Deb Barman Bahadur,
Maharaja of Tripura,**

In the exercise of my sovereignty in and over my said State,

DO hereby execute this my INSTRUMENT OF ACCESSION
and

1. I HEREBY DECLARE that subject to His Majesty's acceptance of this Instrument, I accede to the Federation of India as established under the Government of India Act, 1935, (hereinafter referred to as "the Act") with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal Authority established for the purposes of the Federation shall, by virtue of this my Instrument of Accession, but subject always

to the terms thereof, and for the purposes only of the Federation, exercise in relation to the State of Tripura (hereinafter referred to as "this State") such functions as may be vested in them by or under the Act.

2. I HEREBY ASSUME the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. NOTHING IN THIS INSTRUMENT shall affect the rights and obligations of the Ruler of this State in relation to the Crown with respect to any matters not within the functions exercisable by, or on behalf of the Federation by virtue of this Instrument and no Federal Authority shall have jurisdiction with respect to such rights and obligations.

4. NO FUNCTION in respect of any matters specified in the First Schedule hereto or under any provision of the Act which applies to this State by virtue of this Instrument of Accession shall be exercised in relation to this State by any authority other than a Federal Authority and save in accordance with the terms of this Instrument.

5. I ACCEPT the matters specified in the First Schedule hereto as the matters with respect to which the Federal Legislature may make laws for this State, and in this Instrument and in the said First Schedule I specify the limitations to which the power of the Federal Legislature to make laws for this State, and the exercise of the executive authority of the Federation in this State, are respectively to be subject.

Where under the First Schedule hereto the power of the Federal Legislature to make laws for this State with respect to any matter specified in that Schedule is subject to a limitation, the executive authority of the Federation shall not be exercisable in this State with respect to that matter otherwise than in accordance with and subject to that limitation.

The Federal Legislature shall not have power to make laws for this State save with respect to matters so specified and subject to such limitations.

6. THE particulars to enable due effect to be given to the provisions of Sections 147 and 149 of the Act are set forth in the second Schedule hereto.

7. REFERENCES in this Instrument to laws of the Federal Legislature include references to Ordinances promulgated, Acts enacted and laws made by the Governor-General of India under Sections 42 to 45 of the Act inclusive.

8. NOTHING IN THIS INSTRUMENT affects the continuance of my sovereignty in and over this State or, save as provided by the Instrument or by any law of the Federal Legislature made in accordance

therewith, the continuance of any of my powers, authority and rights, and the exercise of any of such powers, authority and rights in and over this State is, save as above, reserved to me.

9. NOTHING in this Instrument shall be construed as authorising Parliament to legislate for or exercise jurisdiction over this State or its Ruler in any respect.

Provided that the accession of this State to the Federation shall not be affected by any amendment of the provision of the Act mentioned in the Second Schedule thereto, and the references in this Instrument to the Act shall be construed as references to the Act as amended by any such amendment; but no such amendment shall, unless it is accepted by the Ruler of this State in an Instrument supplementary to this Instrument, extend the functions which by virtue of this Instrument are exercisable by His Majesty or any Federal Authority in relation to this State.

10. WHEREAS I am desirous that functions in relation to the administration in this State of laws of the Federal Legislature which apply therein shall be exercised by the Ruler of this State and his officers, and the terms of an agreement in that behalf have been mutually agreed between me and the Governor General of India and are set out in the Schedule hereto.

NOW THEREFORE I hereby declare that I accede to the Federation with the assurance that the said agreement will be executed and the said agreement when executed shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

11. THE Schedules hereto annexed shall form an integral part of this Instrument.

12. THE provisions contained in Part VI of the Act with respect to interference with water supplies, being Sections 130 to 133 thereof inclusive, are not to apply in relation to this State.

13. THIS INSTRUMENT shall be binding on me as from the date on which His Majesty signifies his acceptance thereof, provided that if the Federation of India is not established before the day of Nineteen Hundred and , this Instrument shall, on that day, become null and void for all purposes whatsoever.

14. I HEREBY DECLARE that I execute this Instrument for myself, my heirs and successors, and that accordingly any reference in this Instrument to me or to the Ruler of this State is to be construed as including a reference to my heirs and successors.

THIS INSTRUMENT OF ACCESSION (then follows the attestation to be drawn with all due formality appropriate to the declaration of a Ruler).

FIRST SCHEDULE TO THE INSTRUMENT OF ACCESSION.

Items of the Federal Legislative list which His Highness The Maharaja Manikya Bahadur of Tripura is prepared to accept, and the limitations subject to which he is prepared to accept them.

The power of the Federal Legislature shall be subject to the following general limitations as well as to the specific limitations in respect of the items hereinbelow specified.

GENERAL LIMITATIONS.

- (a) The Federal Legislature shall not levy or impose any tax or duty in or upon this State or provide for the payment of any contribution by the State which discriminates against the State.
- (b) No land or other property shall be acquired in this State on behalf of His Majesty for any Federal purposes, or on behalf of the Federal Railway Authority or any other authority of the Federation, except with the consent of the Ruler and upon such terms as may be mutually agreed upon.
- (c) The Federal agents, officers and representatives, while engaged in the exercise of their functions in this State, shall be subject to, and observe the laws and Regulations of, the State, not inconsistent with the due exercise of their Federal functions.
- (d) The legislative power of the Federal Legislature to make laws for this State shall not, except in items 44, 45, 46 and 47, imply the power to impose any duty or tax.

Items as contained in the Act.	Proposed limitations.
<p>ITEM No. 1.</p> <p>His Majesty's naval, military and air forces borne on the Indian establishment and any other armed force raised in India by the Crown, not being forces for employment in Indian States or military or armed police maintained by Provincial Governments ; any armed forces which are not forces of His Majesty, but are attached to or operating with any of His Majesty's naval, military or air forces borne on the Indian establishment ; central intelligence bureau ; preventive detention in British India for reasons of State connected with</p>	<p>1. The Federal Legislature shall not have power to make laws affecting the right of this State that the officers of all units of any armed forces of the State which may be attached to or operating with any of His Majesty's naval, military or air forces borne on the Indian establishment, shall be officers of this State.</p> <p>2. Any law of the Federal Legislature with respect to the discipline of or promotion in any armed forces of this State which may be attached to or operating with any of His Majesty's naval</p>

Items as contained in the Act.	Proposed limitations.
<p align="center">ITEM No. 1. (<i>Contd.</i>)</p> <p>defence, external affairs or the discharge of the functions of the Crown in its relations with Indian States.</p>	<p>military or air forces borne on the Indian establishment, shall be in accordance with and give effect to any agreement between this State and the Governor-General of India with respect to such discipline or promotion.</p> <p>3. No forces coming under this item shall enter this State, except at the request of His Majesty's Representative and in the exercise of the functions of the Crown in its relations with Indian States.</p> <p>4. The employment of State troops outside the State shall be subject to existing agreements and shall depend on the ability of the State to spare them without jeopardising internal security.</p> <p>5. The Federal Government shall not have the right to introduce or enforce conscription or any other form of compulsory military service in the State.</p>
<p align="center">ITEM No. 2.</p> <p>Naval, military and air force works ; local self-government in cantonment areas (not being cantonment areas of Indian State troops) ; the regulation of house accommodation in such areas, and, within British India, the delimitation of such areas.</p>	<p>1. The Federal Legislature shall not have power to make such laws in respect of military and air force works belonging to this State.</p> <p>2. The Federal Legislature shall not have power to make laws for this State establishing such naval, military and air force works without the consent of the Ruler of this State, provided that such consent shall not be unreasonably withheld.</p>
<p align="center">ITEM No. 3.</p> <p>External affairs ; the implementing of treaties and agreements with other countries ; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.</p>	<p><i>No limitation.</i></p>

Items as contained in the Act.	Proposed limitations.
<p align="center">ITEM No. 4.</p> <p>Ecclesiastical affairs, including European cemeteries,</p>	<p>The power of the Federal Legislature to make laws for this State with respect to ecclesiastical affairs shall be limited to the provision of Christian ministrations for members of His Majesty's forces or persons in the service of the Crown in India.</p>
<p align="center">ITEM No. 5.</p> <p>Currency, coinage and legal tender.</p>	<p>Federal Legislation regarding coinage should not prejudicially affect the rights of the State to strike coins in commemoration of the accession of a Ruler on special occasions of similar nature.</p>
<p align="center">ITEM No. 6.</p> <p>Public debt of the Federation.</p>	<p><i>No limitation.</i></p>
<p align="center">ITEM No. 7.</p> <p>Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication ; Post Office Savings Bank.</p>	<p>1. Federal Legislation under this item shall not apply to telegraphs and telephones wholly within and owned or controlled by the State, nor prohibit the establishment by the Ruler in this State of wireless and broadcasting stations subject to Federal rules and Regulations, and the manufacture of apparatus therefor.</p> <p>2. No wireless or broadcasting station or other like forms of communication shall be established in this State without the consent of the Ruler of this State, provided that such consent shall not be unreasonably withheld.</p> <p>3. No banking operations shall be carried on by the Post Offices in this State without the consent of the Ruler.</p>
<p align="center">ITEM No. 8.</p> <p>Federal Public Services and Federal Public Service Commission.</p>	<p>The Federal Legislature shall not have power to pass legislation exempting the Federal Officers from any tax leviable by this State.</p>

Items as contained in the Act.	Proposed limitations.
<p align="center">ITEM No. 9.</p> <p>Federal pensions, that is to say, pensions payable by the Federation or out of Federal revenues.</p>	<p align="center"><i>No limitation.</i></p>
<p align="center">ITEM No. 10.</p> <p>Works, lands and buildings vested in, or in the possession of, His Majesty for the purposes of the Federation (not being naval, military or air force works), but as regards property situate in a Province, subject always to Provincial legislation, save in so far as Federal law otherwise provides and, as regards property in a Federated State held by virtue of any lease or agreement with that State, subject to the terms of that lease or agreement.</p>	<p align="center"><i>No limitation.</i></p>
<p align="center">ITEM No. 11.</p> <p>The Imperial Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial, and any similar institution controlled or financed by the Federation.</p>	<p>The Federal Legislature shall not have power to make laws providing for the establishment in this State without the consent of the Ruler, of any institution falling within the item, provided that such consent shall not be unreasonably withheld.</p>
<p align="center">ITEM No. 12.</p> <p>Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training or for the promotion of special studies.</p>	<p>The Federal Legislature shall not have power to make laws providing for the establishment in this State without the consent of the Ruler, of any institution falling within this item, provided that such consent shall not be unreasonably withheld.</p>
<p align="center">ITEM No. 13.</p> <p>The Benares Hindu University and the Aligarh Muslim University.</p>	<p align="center"><i>No limitation.</i></p>
<p align="center">ITEM No. 14.</p> <p>The Survey of India, the Geological, Botanical and Zoological Surveys of India; Federal meteorological organisations.</p>	<p>1. If the Ruler of this State gives notice to the Governor-General of India that he objects to the entry into the State</p>

Items as contained in the Act.	Proposed limitations.
<p>ITEM No. 14 (<i>Contd.</i>)</p>	<p>of any named officer or agent of the Federation, charged with the performance of functions in relation to any of the matters mentioned in this item, such officer or agent shall not have authority to enter the State or perform such functions therein.</p> <p>2. The information acquired or the materials collected in such surveys shall be placed unreservedly at the disposal of this State, and in regard to the Geological Survey shall be kept confidential if so required by the State.</p> <p>3. Federal Legislation under this item shall not affect the right of this State to conduct surveys of any description mentioned therein, independently of the Federal authorities.</p>
<p>ITEM No. 15.</p> <p>Ancient and historical monuments ; archæological sites and remains.</p>	<p>1. Federal Legislation under this item shall apply only to such monuments, sites and remains in this State as the Ruler may designate.</p> <p>2. The Federal Legislature shall not have power to make any law depriving this State of its proprietary right in archæological antiquities discovered within its territories, or to remove them out of the State without the consent of the Ruler.</p> <p>3. The functions of the Federation with respect to this item shall be exercised within this State only with the consent of the Ruler, provided that such consent shall not be unreasonably withheld.</p>
<p>ITEM No. 16.</p> <p>Census.</p>	<p>The Federal Legislature shall not have power to make laws for this State affecting the authority of the Ruler to</p>

ITEM No. 16 (*Contd.*)

determine the classification and nation of the people of the State in regard to their religion, caste, creed or social status, for purposes of Census operations.

ITEM No. 17.

Admission into, and emigration and expulsion from India, including in relation thereto, the regulation of the movements in India of persons who are not British subjects domiciled in India, subjects of any Federated State, or British subjects, domiciled in the United Kingdom ; pilgrimages to places beyond India.

No law made by the Federal Legislature in respect of any one of the subjects in this item shall affect the right and power of the Ruler to refuse to admit into his territories, or to expel therefrom, any person or persons whose admission into or presence in the said territories may, in his opinion, be undesirable.

ITEM No. 18.

Port quarantine ; seamen's and marine hospitals, and hospitals connected with port quarantine.

No limitation.

ITEM No. 19.

Import and export across customs frontiers as defined by the Federal Government.

1. The Federal Legislature shall not have power to make laws defining as a customs frontier one that passes through any part of the territory of this State.

2. Nothing in this item shall affect the right of this State to levy import and export duties on goods coming to and going from its territories.

ITEM No. 20.

Federal railways ; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges ; interchange of traffic and the responsibility of the railway administration as carriers of goods and passengers ; the regulation of minor railways in respect

1. The Federal Legislature shall not have power to authorise the carrying on by the railways, within the territory of this State, of ancillary undertakings referred to in Section 181 (2) of the Act, without the consent of the Ruler.

2. The Federal Legislature shall not have power to make laws affecting the

Items as contained in the Act.

Proposed limitations.

ITEM No. 20 (*Cont'd*).

of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

civil, criminal and fiscal jurisdiction of this State over railways within its territories.

3. No railway shall be constructed within the territory of this State except with the consent of the Ruler.

ITEM No. 21.

Maritime shipping and navigation on tidal waters ; Admiralty jurisdiction.

No limitation.

ITEM No. 22.

Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

No limitation.

ITEM No. 23.

Fishing and fisheries beyond territorial waters.

No limitation.

ITEM No. 24.

Aircraft and air navigation : the provision of aerodromes ; regulation and organisation of air traffic and of aerodromes.

1. The Federal Legislature shall not have power to restrict the right of this State to permit the operation of services from one point to another point in this State.

2. The Federal Legislature shall not have power to make laws for this State affecting the prohibition or restriction by the State of air-craft taking up or setting down passengers or goods in the State without its consent.

3. The Federal Legislature shall not have power to make laws for this State affecting the prohibition or restriction by the State of air navigation over areas that may from time to time be declared by the State to be prohibited or restricted areas.

4. The Federal Legislature shall not have power to make laws for this State affecting the maintenance by the State of

Items as contained in the Act.

Proposed limitations.

ITEM No. 24 (*Cont'd*).

customs aerodromes or the enactment or execution by the State of laws requiring air-craft importing goods into the State to alight, be examined or pay duties at such aerodromes.

5. The Federal Legislature shall not have power to make laws for this State with respect to, or prohibiting the manufacture of, air-craft or parts of air-craft in the State.

6. The civil, criminal and fiscal jurisdiction of this State shall remain unaffected by any laws that may be made by the Federal Legislature in respect of air-navigation.

ITEM No. 25.

Light-houses, including lightships, beacons and other provision for the safety of shipping and aircraft.

1. The Federal Legislature shall not have power to make laws for this State providing for the establishment in the State of lighthouses, beacons, or other provision for the safety of air-craft without the consent of the Ruler of the State, provided that such consent shall not be unreasonably withheld.

2. The Federal Legislature shall not have power to make laws for this State with respect to, or prohibiting the manufacture in the State, of lighthouses, beacons or other provision for the safety of air-craft, or parts of lighthouses, beacons, or such other provision in the State.

3. Federal Legislation under this item shall not prevent this State from erecting its own lighthouses subject to conformity with the provisions of law on the subject.

ITEM No. 26.

Carriage of passengers and goods by sea or by air.

1. The Federal Legislature shall not have power to restrict the right of this State to permit the operation of intra-State services.

Items as contained in the Act.

Proposed limitations.

ITEM No. 26 (*Cont'd*).

2. The Federal Legislature shall not have power to make laws for this State affecting the prohibition or restriction by the State of air-craft taking up or setting down passengers or goods in the State without its consent.

3. The Federal Legislature shall not have power to make laws for this State affecting the prohibition or restriction by the State of air navigation over areas that may from time to time be declared by the State to be prohibited or restricted areas.

4. The Federal Legislature shall not have power to make laws for this State affecting the maintenance by the State of customs aerodromes or the enactment or execution by the State of laws requiring air-craft importing goods into the State to alight, be examined or pay duties at such aerodromes.

5. The Federal Legislature shall not have power to make laws for this State with respect to, or prohibiting the manufacture of, air-crafts or parts of air-craft in the State.

ITEM No. 27.

Copyright, inventions, designs, trade-marks and merchandise marks.

No limitation.

ITEM No. 28.

Cheques, bills of exchange, promissory notes and other like instruments.

No limitation.

ITEM No. 29.

Arms ; firearms ; ammunition.

1. By virtue of this entry, the authority of the Federation with respect to this State shall be confined only to export and import of firearms and ammunition across the borders of the State.

Items as contained in the Act.

ITEM No. 29 (*Contd.*).

2. In any Federal Legislation and Rules on the subject—

(a) the existing right of the Ruler to control the manufacture, licensing, possession and carrying of arms and firearms as well as other functions of local administration within the State territory, and

(b) the *status quo* as regards facilities at present enjoyed by the people of the State in respect of possession of arms and ammunition within the State, including the exemption of certain classes thereof from payment of fees for licenses valid in the State,

shall be recognized and maintained.

ITEM No. 30.

Explosives.

The power of the Federal Legislature to make laws for this State under this item shall be limited to the making of laws with respect to the possession, storage and transport of explosives by persons other than the Military or Police Forces of the State or other Departments of the State.

ITEM No. 31.

Opium, so far as regards cultivation and manufacture, or sale for export.

No limitation.

ITEM No. 32.

Petroleum and other liquids and substances declared by Federal law to be dangerously inflammable, so far as regards possession, storage and transport.

The Federal Legislature shall not have power to make laws for this State with respect to the possession, storage or transport of petroleum or other motor spirit by the Military or Police Forces of the State or other Departments of the State.

Items as contained in the Act.

Proposed limitations.

ITEM No. 33.

Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Federated State and carrying on business only within that State or co-operative societies, and of corporations whether trading or not, with objects not confined to one unit.

The Federal Legislature shall not have power to make laws for this State affecting :—

(a) The exclusion by the State of any corporation (other than a corporation owned or controlled by the Federation) from carrying on business within the State or the imposition by the State of conditions subject to which a corporation (other than as aforesaid) may so carry on business ; or

(b) Provision by the State that the assets situate within the State of any corporation which carries on or has carried on business within the State shall be wound up in the Courts of the State, and provision by the State for giving priority in such winding-up proceedings to debts due to the State or the Ruler,

Provided that (except as regards such priority) such winding-up shall be conducted in accordance with any Federal Law applicable thereto ; or

(c) The incorporation, regulation and winding-up by the State of trading corporations, including banking, insurance and financial corporations, having objects confined to the State.

ITEM No. 34.

Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest.

1. The power of the Federal Legislature to make laws for this State with respect to development of industries shall be limited to providing for subsidies, and national institutions for furthering the development of industries by research, education or propaganda, not being institutions empowered to carry on or control any industry.

2. The Federal Legislature shall not have power to make laws for this State affecting the provision by the State of subsidies for industries carried on within the State.

Items as contained in the Act,

Proposed limitations.

ITEM No. 35.

Regulation of labour and safety in mines and oilfields.

The Federal Legislature shall ~~not~~ have power to make laws for this State in respect of regulation of labour in mines and oil-fields except for the purpose of securing safety of such labour.

ITEM No. 37.

The law of insurance except as regards insurance undertaken by a Federated State, and the regulation of the conduct of insurance business, except as respects business undertaken by a Federated State; Government insurance, except so far as undertaken by a Federated State, or, by virtue of any entry in the Provincial Legislative List or the Concurrent Legislative List, by a Province.

No limitation.

ITEM No. 38.

Banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Federated State and carrying on business only within that State.

No limitation.

ITEM No. 39.

Extension of the powers and jurisdiction of members of a police force belonging to any part of British India to any area in another Governor's Province or Chief Commissioner's Province, but not so as to enable the police of one part to exercise powers and jurisdiction elsewhere without the consent of the Government of the Province or the Chief Commissioner, as the case may be; extension of the powers and jurisdiction of members of a police force belonging to any unit to railway areas outside that unit.

Members of the police force belonging to another unit shall exercise powers or jurisdiction in this State only where an agreement has been made between the State and such other unit in that behalf.

Items as contained in the Act.

Proposed limitations.

ITEM No. 41.

The salaries of the Federal Ministers, of the President and Vice-President of the Council of State and of the Speaker of the Federal Assembly; the salaries and allowances and privileges of the members of the Federal Legislature and to such extent as is expressly authorised by Part II of this Act, the punishment of persons who refuse to give evidence or produce documents before Committees of the Legislature.

The Federal Legislature shall not have power to make laws for this State—

(a) Making compulsory the attendance before a Chamber of the Federal Legislature or a Committee thereof of any person who is in the service of the Ruler of the State or the giving of evidence by any such person unless the Ruler shall have consented to the attendance of or the giving of evidence by, such person; or

(b) Making compulsory the production before a Chamber of the Federal Legislature or a Committee thereof, of any document which an officer designated by the Ruler of the State for that purpose shall certify to be a confidential document relating to the affairs of the State or to the personal affairs of the Ruler or his family; or

(c) Imposing any punishment on any such person as aforesaid who refused to attend or give evidence or on any person who refused to produce any such document as aforesaid.

ITEM No. 42.

Offences against laws with respect to any of the matters in this list.

The Federal Legislature shall not have power to make laws for this State with respect to offences against laws which under this Instrument of Accession the Federal Legislature has not the power to make for the State.

ITEM No. 43.

Inquiries and statistics for the purpose of any of the matters in this list.

1. The Federal Legislature shall not have power to make laws for this State with respect to inquiries or statistics for the purpose of any matter with respect to which the Federal Legislature has not, under this Instrument of Accession, the power to make laws for the State.

2. The Federal Legislature shall not have power to make laws for this State

Items as contained in the Act.	Proposed limitations.
<p>ITEM.No. 43 (<i>Conld</i>).</p>	<p>affecting the making or holding of inquiries or the collection or publication of statistics by the State, or in pursuance of any laws of the State as regards any matter.</p>
<p>ITEM No. 44.</p> <p>Duties of customs, including export duties.</p>	<p>1. The Federal Legislature shall not have power to make laws defining as a customs frontier one that passes through any part of the territory of this State.</p> <p>2. Nothing in this item shall affect the right of this State to levy import and export duties on goods coming to and going from its territories.</p>
<p>ITEM No. 45.</p> <p>Duties of excise on tobacco and other goods manufactured or produced in India, except—</p> <p>(a) alcoholic liquors for human consumption ;</p> <p>(b) opium, Indian hemp and other narcotic drugs and narcotics ; non-narcotic drugs ;</p> <p>(c) medicinal and toilet preparations containing alcohol, or any substances included in sub-paragraph (b) of this entry.</p>	<p>1. The Federal Legislature shall not have power to prohibit or restrict the right of this State to levy and retain excise duties upon any goods in addition to the excise duties, if any, imposed upon such goods by the Federation.</p> <p>2. The Federal Legislature shall not have power to make laws for this State affecting the right of the State to continue to share with the Government of India the revenue derived from the existing excise on matches and mechanical lighters, as also to obtain an allotment from the duty on petroleum for purposes of road development in the State.</p> <p>3. The Federal Legislature shall not have power to make laws for this State authorising the levy of duties of excise on agricultural (except tobacco and dairy products.</p>

N. B.—The above limitations on this item are not to be deemed as final. A further communication may be made on the subject.

Items as contained in the Act.	Proposed limitations.
<p data-bbox="315 387 486 421">ITEM No. 46.</p> <p data-bbox="158 455 396 494">Corporation Tax.</p>	<p data-bbox="725 455 1319 1006">The Federal Legislature shall not have power to make laws providing for the levying of Corporation Tax on any corporation owned or controlled by, and working within, this State, or for the inclusion in any contribution made by this State in lieu of Corporation Tax of any sum in respect of the income of any such corporation, provided that in the case of corporations controlled by the State this exemption shall apply only to the extent of this control.</p>
<p data-bbox="322 1097 491 1131">ITEM No. 47.</p> <p data-bbox="161 1165 225 1204">Salt.</p>	<p data-bbox="782 1154 972 1188"><i>No limitation.</i></p>
<p data-bbox="319 1279 494 1313">ITEM No. 59.</p> <p data-bbox="111 1347 701 1483">Fees in respect of any of the matters in this list, but not including fees taken in any Court.</p>	<p data-bbox="736 1347 1326 1664">The power of the Federal Legislature to make laws for this State with respect to fees shall be limited to the matters with respect to which, under the Instrument of Accession of this State, the Federal Legislature has power to make laws for this State.</p>

Illustrative List of Rights and Privileges.

I. RIGHTS AND PRIVILEGES RELATING TO ITEMS IN THE FEDERAL LEGISLATIVE LIST WHICH ARE ACCEPTED AS FEDERAL SUBJECT.

1. The right of the State to continue to receive an apportionment of the proceeds of any customs or excise duty levied by the Federation on Motor Spirits and Matches.

2. The right of the Ruler to import free from customs or from any other duty, goods intended for his personal use and for the use of the members of his family (Government Resolution).

3. The right or privilege of exemption from customs duty on the personal luggage of the Ruler as well as reasonable quantities of alcoholic liquors, tobacco, motor cars and motor cycles while returning from abroad. (Government Resolution).

4. The right or privilege of the Ruler to import free from customs duties, arms and ammunition for his personal use, and the exemption from licenses in respect of fire-arms and ammunition. (Arms Act).

5. The right or privilege to carry firearms and ammunition enjoyed by the Ruler and members of his family and by their retainers in other units without a license. (Arms Act).

6. The exemption enjoyed by the Ruler in respect of 30 retainers while accompanying him to British India from operation of the Arms Act.

7. The privileges enjoyed by noblemen and high officials of the State designated by Government to import arms and ammunition from British India for their personal use.

8. Existing rights enjoyed by the Ruler regarding telegraphic communication.

9. Maintenance of rights or privileges accruing under the following Resolutions of the Government of India:

- i. Resolution No 524-I, dated 18th October, 1933, as amended by Resolution No. F 25-R/30 dated 19th June, 1931, regarding Telephones in Indian States.
- ii. Resolution No. 242-I, dated 5th December, 1933, regarding Telegraphs.
- iii. Resolution on Wireless communications—British India and Indian States Memoranda on the development of Wireless communications in British India and Indian States, dated 25th January, 1922, by the Director of Wireless.

- iv. Resolution No. 496-I, dated 27th May, 1926, and the Summary of the Chamber of Princes, 1926, regarding Wireless Telegraphy and Telephones in Indian States.
- v. Resolution No. 159 R/31 dated 8th August, 1932, regarding Air Navigation.
- vi. Resolution No. F. 178 R/30 dated 22nd February, 1932, regarding Radio Broadcasting.
- vii. Resolution No. 202-I of 6th December, 1923, as subsequently amended regarding construction and maintenance of Indian State Railways.

II. RIGHTS AND PRIVILEGES RELATING TO NON-FEDERAL MATTERS.

These arise from different sources :

(A) The obligations of the Crown of the United Kingdom for the defence and protection of the Ruler, the Ruling dynasty of the State, and the territories of the Ruler

(B) Agreements with the Government of India, *e. g.*—

1. The right of the State to continue to procure without restriction, supplies of alcoholic liquor, Indian hemp (bhang) and narcotic drugs, such as, charas and ganja, from British Indian Provinces, without payment of any tax or duty levied by Governments of such Provinces.

2. Similar right to obtain supplies of opium, necessary for consumption within the State, from the Government of India, without payment of any tax or duty levied by the Government of India or any Provincial Government.

3. The right to obtain from British India necessary supplies of (1) absolute alcohol and rectified spirit, (2) spirituous medicinal preparations, and (3) medicinal opium, cocaine, morphine and similar drugs, for use in the charitable dispensaries and hospitals in the State territory, free from any duty in British India.

(C) Rights and privileges arising from existing laws and regulations in British India, and notifications and resolutions of the Government of India. The following may be mentioned by way of illustration :—

1. Complete immunity of the Ruler from every kind of jurisdiction of all Courts in British India. This is founded on the basic principles of conflict of laws. A specific authority for this immunity is to be found in the judgment of Bargrave Deana, J., in *Statham V. Statham* (1912 P. C., p. 92). So far as civil liberties are concerned,

Sections 85 and 86 of the Civil Procedure Code of British India recognise this immunity. Immunity is also enjoyed under Section 133 of the Code of Civil Procedure.

2. Immunity from Municipal taxation, such as octroi, of the personal property, whether moveable or immoveable, of the Ruler. This immunity is also founded on the principles of conflict of laws. A reference to this immunity is to be found in *Macartney V. Garbutt* (24 Q. B. D., 368).

3. Exemption of the Ruler from the operation of the Indian Motor Vehicles Act, and the Rules made thereunder. (Vide the Motor Vehicles Native States' Rules, 1916, Government of India notification No. 627, dated the 6th July, 1916.)

4. Reciprocity in matters of licensing and registration in respect of Motor Vehicles licensed in the State (Vide the Motor Vehicles Native States' Rules, 1916 ; Government of India notification No. 627 dated the 6th July, 1916 ; Government of India, Foreign and Political Department letter No. 1697-I. A., dated the 14th August, 1916).

5. The right of a Ruler to be governed by his personal laws as in force in his State, with reference to immoveable property held by him in British India. (Vide CWN vol. XXIX, p 287).

6. The protection of the Ruler and his Government from acts or attempts to excite disaffection by people outside his State and protection of the Ruler and his family from slander. (Vide the Indian States Protection against Disaffection Act, 1922 ; the Indian States Protection Act, 1934 ; and the Foreign Relations Act, 1932).

7. Resolution of the Foreign and Political Department, No. 2563-1161-Internal, dated 19th December, 1922, regarding the acquisition of residential property in British India.

8. Resolution of the Foreign and Political Department, No. 248-R/32 dated 22nd September, 1933, regarding acquisition of non-residential property in British India.

